S.B. CIVIL WRIT PETITION NO.2222/1994

Harbansh Singh
Vs.
District Collector Cum Chief
Settlement Commissioner, Sriganganagar & Ors.

DATE OF ORDER :: 10-05-2005

HON'BLE MR. JUSTICE GOVIND MATHUR

Mr. S.L. Jain, for the petitioner.
Mr. Shyam Ladhrecha, Dy.G.A. for State.

By the order impugned dated 27.4.1994, the Collector Cum Authorised Chief Settlement Commissioner, Sriganganagar decided the revision petition preferred by the petitioner under Section 24 of the Displaced Persons (Compensation and Rehabilitation)Act, 1954. A challenge is given to the aforesaid order on the count that at the time of disposal of the revision petition, two applications were pending before the Collector Cum Authorised Chief Settlement Commissioner for substituting the respondent No.3 by his legal representatives. One application was preferred by the petitioner to bring Jeet Singh and Ujagar Singh son of Amar Singh being the sole legal heirs of Shri Saudagar Singh. Similarly, another application was preferred by Jeet Singh and Ujagar Singh to take them on record as non-petitioners being legal representatives of Saudagar Singh. The revision petition was actually fixed for orders on those applications but the Collector cum Authorised Chief Settlement Commissioner without

deciding those applications decided the revision petition itself. As a consequence of it, the order has been made with regard to a person already dead. This fact has not been disputed by the respondents in reply to the writ petition.

An error is apparent on the face of record which makes the order dated 27.4.1994 perverse as the same was passed without deciding the applications to bring the legal representatives of Saudagar Singh on record. The order impugned dated 27.4.1994 (Annexure-8) passed by the District Collector cum Authorised Chief Settlement Commissioner, Sriganganagar therefore deserves to be quashed and is hereby quashed with a direction to decide the revision petition afresh after deciding the applications preferred by the petitioner as well as by the respondents Jeet Singh and Ujagar Singh for taking them on record as non-petitioners being legal representatives of Saudagar Singh. The applications shall be decided by the competent authority within a period of three months from today.

The writ petition stands allowed with these observations.

[Govind Mathur],J.

Praveen